IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 10417 of 2004

Between:
Kura Shiva Kumar, S/o. K. Anjaiah,
R/o. 1-1-103/1, Grain Markets, Siddipet, Medak District.
..... PETITIONER

AND

1 The Superintendent of Police, Karimnagar, Karimnagar District.
2 The C.I. of Police, I Town Police Station, Karimnagar.
3 The Sub Inspector of Police, I Town Police Station, Karimnagar.
.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or Writ more particularly one in the nature of Writ of Habeas Corpus, directing the Respondents to produce the detenu, K. Vinod Kumar S/o. K. Anjaiah, aged about 24 Years, resident of 1-1-103/1, Grain Market, Siddipet, Medak District and release him forthwith, declaring the action of the respondents as illegal, arbitrary unjust, unconstitutional and may pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.SURESHREDDY

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court Made the Following :

ORAL ORDER: (per The Honourable Sri Devinder Gupta, the Chief Justice)

This Petition was filed on 22nd June, 2004 by Kura Shiva Kumar alleging that he is elder brother of detenu, K.Vinod Kumar, and, on Saturday, 19.6.2004, at about 10.30 a.m., Respondent No.3 along with two Constables came to their house and took the petitioner and his brother to I Town Police Station, Karimnagar and kept in custody. Though the petitioner was illegally kept in the Police Station till about 1.30 p.m., and, was let out on 21.6.2004, but, his brother, K.Vinod Kumar, was not allowed to go out and is still in police custody, and, thus, petitioner sought production of his brother.

Respondents in their affidavit in reply denied that petitioner was detained along with the alleged detenu, his younger brother, on 19.6.2004. Rather, the reply affidavit says that there were incidents of theft in Karimnagar Town by unindentified persons, and, as many as 8 cases have been registered. Investigation has been taken up pursuant to the registration of those cases and then, Police came to know that the alleged detenu was an associate of Moche Srinivas, who were involved in theft activity in Karimnagar Town. On such information, deponent visited the house of the petitioner and enquired about his brother on 19.6.2004 at Siddipet. Petitioner stated that his brother was not available and went on some business work. It was denied that there was any illegal detention of the petitioner or his brother. Reply affidavit was filed on 25.6.2004 stating that investigation was in progress and effort was being made to trace the detenu, who was absconding.

Petitioner filed further affidavit today stating that his brother was produced before the Additional Judicial Magistrate of Karimnagar on

27.6.2004 by showing his arrest on 26.6.2004 at 3 p.m. in relation to Crime No. 79 of 2004 at Karimnagar II Town Police Station. On that basis, now, it is prayed by the learned counsel for the petitioner that on the illegal acts of respondents, enquiry be ordered to be conducted and action be taken for filing false affidavit since petitioner's brother was in unlawful custody from 19.6.2004 till 26.6.2004.

As of today, petitioner's brother is in lawful custody, and, in this Petition, no further order needs to be passed. We dispose of this Writ Petition with liberty reserved to the petitioner or his brother to take up appropriate proceedings for their alleged unlawful detention.

_____

DEVINDER GUPTA, C.J.

30.6.2004.

_____

G.ROHINI, J.

VR.

TO

1 The Superintendent of Police, Karimnagar, Karimnagar District.
2 The C.I. of Police, I Town Police Station, Karimnagar.
3 The Sub Inspector of Police, I Town Police Station, Karimnagar.
4. Two CCs to Advocate-General, High Court Bldgs., Hyd. (OUT).
5. Two CD copies.